

1 IN THE UNITED STATES DISTRICT COURT
2 WESTERN DISTRICT OF OKLAHOMA

3 SISTERS OF MERCY HEALTH)
4 SYSTEM, ST. LOUIS, INC.)
5 Plaintiff,)
6 VS.) CASE NO. CIV-05-115-F
7) CONFIDENTIAL-UNDER SEAL
8)
9 G. PAUL KULA, M.D., an)
10 individual, and PATRICIA)
11 BACHHOFER, an individual,)
12 Defendants.)

COPY

9 DEPOSITION OF BOBBY THOMPSON

10 TAKEN ON NOVEMBER 8, 2005

11 ON BEHALF OF THE DEFENDANT

12 IN ARDMORE, OKLAHOMA



1 there.

2 Q. Did you inquire what that problem was?

3 A. Yes, sir.

4 Q. What was it?

5 A. There was some alleged allegations made
6 against him related to some relationships with some
7 of his co-workers, was what was reported to me.

8 Q. Well, can you be more specific than that?

9 A. I don't recall all the details.

10 Q. When you checked -- did you check with
11 the licensure board?

12 A. Yes, sir.

13 Q. Did you -- now, you've told me about one
14 source. That's previous employers. You've also
15 told me about the National Physicians Data Bank?

16 A. Right.

17 Q. What did you find in the National
18 Physicians Data Bank?

19 A. I do not recall.

20 Q. Were you aware, when you hired Dr. Kula,
21 that he had a history of sexual misbehavior with
22 his patients or some of his patients?

23 A. With one patient, yes, sir.

24 Q. So you hired Dr. Kula knowing that he had
25 a sexual relationship with one patient?

STEVE MEADOR & ASSOCIATES

318 NW 13th Street, Oklahoma City, Oklahoma 73103
(405) 232-4114 (800) 385-4114 Fax (405) 232-1060

1 A. Yes, sir.

2 Q. You know that's reprehensible and
3 abhorrible conduct, don't you?

4 A. No, sir.

5 Q. Are you aware that this sexual
6 relationship with the patient was generated through
7 the physician-patient relationship with Dr. Kula?

8 A. Yes, sir.

9 Q. You know he ultimately divorced his wife
10 and married his patient?

11 A. Yes, sir.

12 Q. And you considered that and weighed that
13 in your decision to accept Dr. Kula to counsel
14 female patients as well as male patients; is that
15 correct?

16 A. Yes, sir.

17 Q. Did you ascertain the details of how
18 Dr. Kula got into a sexual relationship with his
19 patient? And I'm referring to his wife now.

20 A. Yes, sir.

21 Q. What were you told?

22 A. I interviewed both he and his wife at that
23 time.

24 Q. Did you ascertain that the sexual
25 relationship developed out of the physician-patient

STEVE MEADOR & ASSOCIATES

318 NW 13th Street, Oklahoma City, Oklahoma 73103
(405) 232-4114 (800) 385-4114 Fax (405) 232-1060

1 relationship?

2 A. I don't recall.

3 Q. Well, that's a pretty important factor,
4 isn't it?

5 A. Yes, sir.

6 Q. Now, I believe -- I'll be corrected if
7 I'm wrong, but I think Dr. Kula has even admitted
8 that it arose in the context of a physician-patient
9 relationship; is that your memory?

10 A. I don't have any reason not to believe
11 that's true, and I made that assumption during the
12 interview process.

13 Q. Why didn't that cause you some hesitation
14 in hiring this doctor?

15 A. Because anytime you find anything on a
16 doctor that's of any question, you want to delve
17 into that further.

18 Q. I don't think I made myself clear, and I
19 apologize. Why did you hire a psychiatrist that
20 you know had a history of sexual misconduct with a
21 patient?

22 A. After pretty thorough investigation by
23 both myself and the credentials committee of the
24 hospital, we believed that he was okay at this
25 point.

STEVE MEADOR & ASSOCIATES

318 NW 13th Street, Oklahoma City, Oklahoma 73103
(405) 232-4114 (800) 385-4114 Fax (405) 232-1060

1 Q. Well, if -- and that's an italicized
2 word. If the allegations of my client are correct,
3 then you will have been wrong.

4 A. Yes, sir.

5 Q. What did the Physicians National Data
6 Bank show you regarding his licensure --

7 A. That he had had a restriction on his
8 license at one time.

9 Q. What was the restriction?

10 MR. FOX: Object to the extent that the
11 National Practitioner Data Bank information is
12 confidential and privileged by federal law. I'd just
13 like to note that for the record.

14 MR. SMITH: You may answer.

15 THE WITNESS: I do not recall the details,
16 but we've discussed the allegations, and I was aware
17 of it because he had divulged that as a part of his
18 application, and it was no different than what he had
19 divulged.

20 Q. (By Mr. Smith) And you knew that his license
21 had been suspended?

22 A. Yes, sir.

23 Q. Did that cause you any concern?

24 A. Yes, sir.

25 Q. But you hired him anyway?

STEVE MEADOR & ASSOCIATES

318 NW 13th Street, Oklahoma City, Oklahoma 73103
(405) 232-4114 (800) 385-4114 Fax (405) 232-1060

1 the hospital, Norman Regional Hospital?

2 A. I've seen none of that, only what he
3 divulged to us. That was not shared with us.

4 Q. What did he divulge to you that he had
5 done sexually or alleged to have done sexually
6 inappropriate at the hospital?

7 A. As I recall, he was alleged to have made
8 some suggestive remark to one of the employees
9 there.

10 Q. Sexually suggestive remark?

11 A. Yes, sir.

12 Q. Were you aware of any allegation of him
13 performing breast exams and/or vaginal exams on
14 psychiatric patients?

15 A. No, sir.

16 Q. Did you inquire in that regard?

17 A. Not specific to that question, but we
18 inquired, and Norman hospital only released to us
19 certain limited information.

20 Q. And that was not among the information?

21 A. No, sir.

22 Q. Were you informed of his outburst of
23 cursing and denunciation of female employees?

24 A. No, sir.

25 Q. Do you feel that the Norman hospital

STEVE MEADOR & ASSOCIATES

318 NW 13th Street, Oklahoma City, Oklahoma 73103
(405) 232-4114 (800) 385-4114 Fax (405) 232-1060